

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

SCOTT ALLEN NEWTON,	§	
	§	
Petitioner,	§	
vs.	§	CIVIL ACTION H-07-0566
	§	
SHERIFF OF MONTGOMERY	§	
COUNTY,	§	
	§	
Respondent.	§	

**MEMORANDUM AND OPINION**

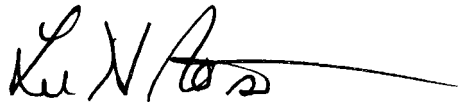
On February 7, 2007, Scott Allen Newton filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the calculation of his sentence. On April 6, 2007, this court entered an order for the respondent to file a response. (Docket Entry No. 5). The court sent a copy of the court's order to the petitioner at the address on record for the petitioner. The record indicates that the order was returned to the court by the postal service because the petitioner was no longer at that address. (Docket Entry No. 8).

Under Local Rule 83.4, a pro se litigant is responsible for keeping the Clerk advised in writing of his current address. The court will send notices only to the address on file. The petitioner has failed to provide the court with an accurate, current address. Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is

appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. Moore, *Federal Practice* § 41.51(3)(b) & (e) (3d ed. 1998). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is dismissed without prejudice for want of prosecution. This court's order for the respondent to file a response, (Docket Entry No. 5), is vacated.

SIGNED on June 6, 2007, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'L. H. Rosenthal', with a long horizontal flourish extending to the right.

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Lee H. Rosenthal  
United States District Judge